

MEMORANDUM

Agenda Item No. 8(L)(1)

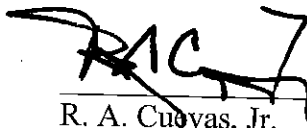
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 20, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution approving the list of
Landfill Closure Projects as
eligible for future funding
through Utility Service Fee or
other funding sources through the
Public Works and Waste
Management Department for
those County and municipal
landfill closure and remediation
and/or water supply protection
projects identified in the Miami-
Dade County Comprehensive
Landfill Closure Plan

The accompanying resolution was prepared by Public Works & Waste Management Department and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

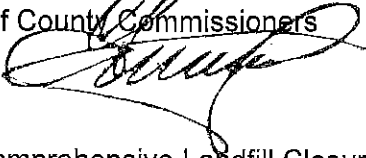
RAC/cp

Memorandum



Date: October 20, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Miami-Dade County Comprehensive Landfill Closure Plan

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the list of County and Municipal landfill closure, as well as water supply protection projects identified in the Miami-Dade County Comprehensive Landfill Closure Plan (CLCP), which are eligible for Utility Service Fee (USF) funding through the Public Works and Waste Management Department (PWWM) and identifies site eligibility criteria, funding, and project limitations. In the event that any future eligible sites are identified for closure and remediation funding, an addendum to the CLCP will be submitted to the Board for approval.

Scope

The CLCP identifies County-owned and municipal sites throughout Miami-Dade County that will be eligible for closure and remediation funding. Examples of such sites include: landfill cells at the North Dade and South Dade Landfills, landfill cells at the Resources Recovery Facility, Munisport Landfill in the City of North Miami, Virginia Key Landfill in the City of Miami, Homestead Landfill in the City of Homestead, Taylor Park in the City of North Miami Beach, the County's Miami Gardens Site in the City of Miami Gardens, and various park sites located in the City of Miami.

Fiscal Impact/Funding Source

All implementation of this plan shall be done on an annual basis as set forth in the annual budget approved by the Board or by separate authorization of the Board.

The one (1) eligible municipal and four (4) eligible County landfill closure projects identified in the CLCP are proposed to be constructed prior to 2033. The combined upper-end cost estimate for these projects is approximately \$30,000,000. These projects could be funded with a portion of USF revenues that are collected through the County's water bills. The PWWM allocation historically has been four (4) percent of eight (8) percent charged, totaling \$24,290,000 for Fiscal Year (FY) 2013-14 (source: FY 2013-14 Comprehensive Annual Financial Report). Of that amount, approximately \$18,000,000 was used annually to pay debt service costs.

Five (5) of the eight (8) contaminated park sites in the City of Miami have also been determined to be USF eligible by the PWWM Bond Engineer. Design and remediation cost estimates for the five (5) USF eligible parks total approximately \$10,600,000. Some or all of these projects may be funded from project savings on a reimbursement basis in the event that the Virginia Key Landfill project is completed for less than its \$46,000,000 estimated cost. The Virginia Key Landfill project is proposed to be completed in the first quarter of 2018.

Track Record/Monitor

The County Solid Waste System projects will be administered by the PWWM and the Miami Gardens and North Miami Beach projects will be jointly administered by the PWWM and the Regulatory and Economic Resources Department (RER). The PWWM project manager is Asok Ganguli, PE, Assistant Director for Technical Services, and the RER project manager is Wilbur Mayorga, PE, Chief of the Pollution Control Division.

Delegated Authority

There is no delegated authority for this item.

Background

On February 17, 2004, the Board of County Commissioners approved the conceptual plan to fund remediation and closure of landfill sites throughout the County as described in the supplementary County Manager's memorandum that accompanied the grant agreement with the City of North Miami for remediation and closure of the Munisport Landfill (Resolution No. R-244-04). The conceptual plan provided the framework to move forward with the three (3) eligible municipal landfill closure projects that had been identified (Munisport, Homestead, and Virginia Key).

This proposed CLCP (attached) includes one (1) additional municipal landfill closure project and four (4) additional County landfill closure projects that have been identified since 2004, to include: (1) Taylor Park in the City of North Miami Beach and (2) Resources Recovery Cell 19's, Resources Recovery Cell 20, South Dade Landfill Cell 5, and a City of Miami Gardens site owned by the County's Internal Services Department. The CLCP also includes an update on previously approved municipal and County landfill closure projects.

In addition, the CLCP identifies eight (8) contaminated park sites located in the City of Miami, five (5) of which have been determined to be USF eligible by the PWWM Bond Engineer.

The CLCP identifies eligibility criteria relating to potential USF funding for sites located in the County, subject to a determination by the PWWM Bond Engineer: (1) the site must be owned by a municipal government (includes County-owned sites); (2) there must be documented ground water contamination at the site that exceeds RER standards and poses a potential risk of water supply contamination as determined by RER; (3) there must be documented evidence that the site was used as a landfill; or (4) both criteria (2) and (3) are satisfied.

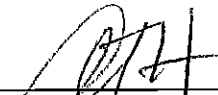
The CLCP also identifies funding and project limitations for proposed and future municipal landfill closure projects and the corresponding assumed liability as follows:

1. Funding provided by the County may not be used for any purpose other than to complete the minimum safe closure of the landfill as determined by RER.
2. Notwithstanding the Minimum Safe Closure stipulation, in the event that a municipality has a reuse plan for the landfill approved by its governing body, the closure may be designed in a manner that is sensitive to the reuse plan, provided that such changes in the closure design do not increase the overall cost of the project. Any work performed to accommodate a reuse plan that would increase the cost of the project must be funded by the municipality at its sole cost and expense.

Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
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3. Municipalities, as owners of the landfill property, are required to fund post closure care activities (e.g. maintenance of the cap, ground water remediation and monitoring, and mowing); however, in cases where reuse of the site is a public park purpose, the County may fund a portion of the post-closure costs related to ground water remediation and monitoring, subject to Board approval.
4. Starting in FY 2014-15, the County will no longer fund municipal landfill closure projects through direct grants in which the municipality becomes the closure design and construction project manager. This was the case with the recent Virginia Key Landfill closure project, where the funding was provided through an interlocal agreement with PWWM and RER co-managing the project.
5. If the site is owned by a municipality that was incorporated prior to 1996, the municipality must either enter into a minimum 20-year waste disposal agreement with the County or extend its existing agreement for a minimum of 20 years. All post-closure reimbursement will cease if the waste disposal agreement is terminated or expires.

Finally, the CLCP includes an update on USF revenues and qualifying direct and indirect costs for FY 2010-11 through FY 2012-13 that are funded through either cash or debt. The most recent financial update from the PWWM's Bond Engineer shows a USF year-end balance for FY 2012-13 of approximately \$3,500,000.



Alina T. Hudak
Deputy Mayor

Attachment




MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 20, 2015

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(L)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(L)(1)
10-20-15

RESOLUTION NO. _____

RESOLUTION APPROVING THE LIST OF LANDFILL CLOSURE PROJECTS AS ELIGIBLE FOR FUTURE FUNDING THROUGH UTILITY SERVICE FEE OR OTHER FUNDING SOURCES THROUGH THE PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT FOR THOSE COUNTY AND MUNICIPAL LANDFILL CLOSURE AND REMEDIATION AND/OR WATER SUPPLY PROTECTION PROJECTS IDENTIFIED IN THE MIAMI-DADE COUNTY COMPREHENSIVE LANDFILL CLOSURE PLAN

WHEREAS, this Board desires to approve the list of landfill closure projects, pursuant to the parameters and criteria outlined in the attached Comprehensive Landfill Closure Plan, a copy of which is incorporated herein by reference; and

WHEREAS, the closure and remediation of landfill sites and the remediation of sites that pose a potential risk of water supply contamination are necessary to protect the health, safety and welfare of the citizens of Miami-Dade County; and

WHEREAS, customers of the Miami-Dade Water and Sewer Department that pay the Utility Service Fee benefit from the closure and remediation of landfill sites and the remediation of sites that pose a potential risk of water supply contamination that are located anywhere in Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the attached list of landfill closure projects as eligible for future funding through Utility Service Fee or other funding sources through the Public Works and Waste Management Department for those County and Municipal landfill closure and remediation and/or water supply protection projects identified in the Miami-Dade County Comprehensive Landfill Closure Plan.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of October, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

APP

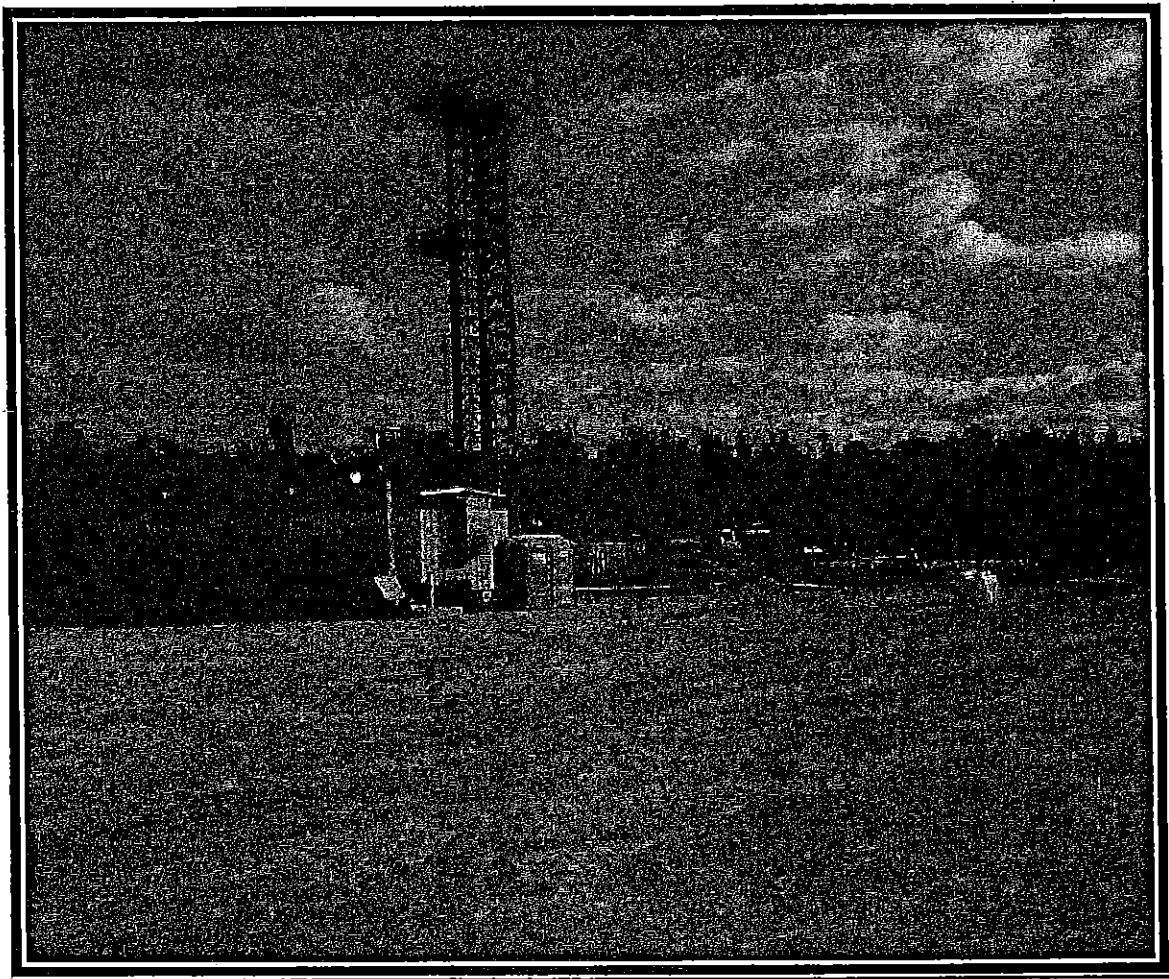
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Miami-Dade County Comprehensive Landfill Closure Plan

Prepared by the Public Works and Waste Management Department

March 2015



Construction of Deep Injection Well at the City of North Miami's Munisport Landfill Project 2013

Miami-Dade County Comprehensive Landfill Closure Plan

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Miami-Dade County Comprehensive Landfill Closure Plan

Introduction

On February 17, 2004, the Board of County Commissioners approved the conceptual plan to fund remediation and closure of landfill sites throughout the County as described in the supplementary County Manager's memorandum that accompanied the grant agreement with the City of North Miami for remediation and closure of the Munisport Landfill (Resolution No. R-244-04). The funding source for these landfill closure projects is the Utility Service Fee (USF) Fund within the Public Works and Waste Management Department (PWWM). An update on the status of the USF Fund is provided in Section VII of this document.

The Conceptual Plan the Board approved in 2004 provided the framework to move forward with the three (3) eligible municipal landfill closure projects that had been identified (Munisport, Homestead and Virginia Key). This Miami-Dade County Comprehensive Landfill Closure Plan (CLCP) includes six (6) additional municipal landfill closure projects (including 5 City of Miami park sites), and four (4) additional County landfill closure projects that have been identified and determined eligible for funding since 2004.

Section I - Previously Approved Municipal Landfill Closure Projects

The table below shows the three (3) municipal landfill closure projects approved in 2004 as part of the Conceptual Plan, followed by a project status for each.

Municipality	Site Name	Acres	Funding Amount	Resolution Number
City of North Miami	Munisport Landfill	291	\$31 million ¹	R-244-04
City of Homestead	Homestead Landfill	32	\$7.5 million ¹	R-1016-06
City of Miami	Virginia Key Landfill	124	\$46 million ^{2 & 3}	R-166-13

¹ - Amount granted to City; municipally administered project.

² - Interlocal Agreement to fund remediation and closure based on engineering cost estimate; County administered project.

³ - Bonds have been sold only for \$28 million of the estimated \$46 million closure cost.

In accordance with the 2004 Conceptual Plan, each of the above municipalities extended its waste disposal interlocal agreement with the County for at least twenty (20) years at the time funding for their landfill closure project was approved. The expiration dates for these agreements are as follows:

(Table on following page).

Miami-Dade County Comprehensive Landfill Closure Plan

Municipality	Term of Waste Disposal Agreement
City of North Miami	2033
City of Homestead	2025 ¹
City of Miami	2032

¹ - The initial term of the City of Homestead waste disposal agreement was 10 years ending in 2005.

City of North Miami / Munisport Landfill Project Status: The ground water remediation system Phase I was completed and approved by the Florida Department of Environmental Protection (FDEP) in June 2013. This system includes a 3,200 feet deep injection well, 16 ground water extraction wells and 82 monitoring wells; Phase II of the ground water remediation system may include additional extraction and/or monitoring wells based on test results from Phase I. Ultimate closure of the site will take place as build-out of the planned mixed use development occurs (expected in 2022). The impermeable portions of the development will essentially become part of the closure construction.

City of Homestead / Homestead Landfill Project Status: The landfill closure was completed in 2009 and is now used as a municipal park.

City of Miami / Virginia Key Landfill Project Status: The engineering firm URS, Inc. was selected from an existing Regulatory and Economic Resources (RER) pool contract to prepare the Site Assessment Report (SAR) and closure design; this phase of the project is anticipated to take approximately 18 months to complete and contemplates shared use of a planned deep well between this project and the Water and Sewer Department's Central District waste water treatment facility, which lies adjacent to the Virginia Key Landfill. A separate solicitation for the construction work is anticipated in 2016; project completion is expected in 2018; the planned end use for the site is a municipal park.

Included in the interlocal agreement between the County and the City of Miami for remediation and closure of the Virginia Key Landfill, Section VI, Post Closure Maintenance and Monitoring, provides that in the event that the project is completed for less than the estimated \$46 million cost, the City may submit claims for reimbursement against the remaining estimate balance for remediation, monitoring or long-term care costs at the landfill or any other USF eligible cost. The 10% Basis of Design report prepared by URS shows an estimated \$8 million reduction in the closure cost estimate for this project.

Miami-Dade County Comprehensive Landfill Closure Plan

Section II - Previously Approved County Landfill Closure Projects

The table below shows the three (3) County landfill closure projects that were approved in 2004 as part of the Conceptual Plan.

2004 County Landfill Closure Projects	Acres	Anticipated Closure Start Date	Cost Estimate
South Dade Landfill Cell 3 Closure ¹	50	Closed	\$12,098,000
South Dade Landfill Cell 4 Closure	50	2019	\$16,750,000
North Dade Landfill East Cell Closure	84	2027	\$21,901,000

¹ - South Dade Landfill Cell 3 Closure was included as part of the "Project" in the Solid Waste System Revenue Bonds Series 2005.

Note that not included in the table above is the County-owned Olinda Park site, located at 2101 NW 51st Street, Miami, Florida that was closed in FY2013-14 on an emergency basis using USF funds. The final cost of the project including consulting and construction costs was approximately \$2 million.

Section III - Proposed Municipal Landfill Closure Projects

City of North Miami Beach/Taylor Park – This site has been identified by RER as having documented ground water contamination that exceeds RER standards and poses a potential risk of water supply contamination. The site was also used as a landfill. The PWWM Bond Engineer has reviewed and approved this site as eligible for USF funding by the County. The proposed site is described below:

The 27 acre Taylor Park property, located at 15458 West Dixie Highway, was deeded to the City of North Miami Beach by the County in 1953. The site had been used as a park by the City, but is now closed due to Arsenic, Poly Aromatic Hydrocarbons (PAHs) and Iron contamination; if the site is not used as a park, by deed restriction, it will revert to County ownership. At various times the site was used for debris staging and construction debris may have been used as fill material at the site. The cost estimate to remediate the Taylor Park site is \$3,000,000. The closure project is anticipated to start in 2016.

City of Miami Park Sites – The City has identified 8 contaminated park sites, 5 of which have been determined eligible for USF funding by the PWWM Bond Engineer. Funding for the closure and remediation of these sites may be requested by the City in the event that the Virginia Key Landfill closure project is completed for less than its \$46 million estimated cost, in accordance with the interlocal agreement that funds that project. The City's contaminated park sites are identified in the table below:

Miami-Dade County Comprehensive Landfill Closure Plan

(Table on following page)

City of Miami - Environmental Remediation Cost Estimates for City Parks					
	Park Name	Contaminant Source	Study/Design Phase	Remediation Phase	USF Eligible
1	Blanche Park	Solid Waste Ash	\$236,349	\$516,156	Yes
2	Merrie Christmas Park	Solid Waste Ash	\$146,657	\$1,000,000	Yes
3	Douglas Park	Solid Waste Ash	\$205,635	\$3,296,700	Yes
4	Curtis Park	Solid Waste Ash	\$257,667	\$3,820,700	Yes
5	Southside Park	Solid Waste Ash	\$133,644	\$1,001,900	Yes
6	Billie Roile Park	Solid Waste Ash	\$74,900	\$233,500	TBD
7	Melreese Golf Course	Solid Waste Ash	\$245,605	\$1,487,230	TBD
8	Bayfront Park	Solid Waste Ash	\$200,000	\$750,000	TBD
	Total Identified Costs		\$1,500,457	\$12,106,186	

There may be other municipally owned sites in the County that qualify for USF funded remediation and closure in the future, subject to soil and ground water testing and review by RER and the Bond Engineer. If any additional sites are identified and found eligible for USF funding, an addendum to this CLCP will be submitted to the Board for approval.

Section IV - Proposed County Landfill Closure Projects

The table below contains four (4) proposed County landfill closure projects. If no new landfill capacity is added to the County Solid Waste Management System (System) and no other County-owned contaminated sites are identified, these would be the final four (4) County landfill closure projects.

Proposed County Landfill Closure Projects	Acres	Anticipated Closure Start Date	Cost Estimate
Resources Recovery Cell 19 Closure	10	2014	\$2,225,000
City of Miami Gardens - ISD Site	5	2016	\$2.5M - \$4.6M
Resources Recovery Cell 20 Closure	10	2020	\$2,447,000
South Dade Landfill Cell 5 Closure	50	2033	\$18,000,000

With the exception of the City of Miami Gardens site, located on the southwest corner of NW 37th Avenue and NW 183rd Street, Miami Gardens, Florida, which is owned by the Miami-Dade County Internal Services Department (ISD), the other proposed County landfill sites are part of the System. A review of historic aerials indicates evidence of solid waste dumping at the ISD Site. Environmental assessment activities conducted in 1994 identified buried solid waste consisting of construction debris and organic (sewage-like) material. Soil and groundwater contamination were also documented. The Carol City Utilities, Inc. Sewage and Water Treatment Plant facility

Miami-Dade County Comprehensive Landfill Closure Plan

was located immediately south of the ISD Site until approximately 1979, when it was purchased by the Miami-Dade Water and Sewer Department and the treatment plants were decommissioned. Currently, a Miami-Dade Water and Sewer Department facility is located to the south of the site and a residential apartment complex is located immediately to the west.

Section V - Criteria for Inclusion of Proposed and Future Municipal Landfill Closure Projects

Any waste site located in Miami-Dade County may be considered eligible for USF funding from the PWWM if it meets the following criteria, subject to a determination by the PWWM Bond Engineer:

1. The site must be owned by a municipal government (includes County-owned sites)
2. There must be documented ground water contamination at the site that exceeds RER standards and poses a potential risk of water supply contamination as determined by RER, and/or
3. There must be documented evidence that the site was used as a landfill

Section VI - Limitations for Proposed and Future Municipal Landfill Closure Projects

Minimum Safe Closure

Funding for municipal landfill closure projects using Utility Service Fee (USF) funds through the PWWM and the corresponding assumed liability are subject to approval by the Board of County Commissioners (Board). The funding provided by the County may not be used for any purpose other than to complete the minimum safe closure of the landfill as determined by RER.

Landfill Reuse Plans

Notwithstanding the above stipulation regarding Minimum Safe Closure, in the event that a municipality has a reuse plan for the landfill approved by its governing body, the closure may be designed in a manner that is sensitive to the approved reuse plan, provided that any changes in the closure design required to accommodate the approved reuse plan do not increase the cost of the project unless such increased cost is funded by the municipality at its sole cost and expense.

Funding for Long-Term Care Costs

Long-term care costs, such as operation of a deep injection well, ground water extraction wells, ground water monitoring wells and maintenance of the liner/cap, may be required for up to thirty (30) years and perhaps longer. Municipalities as owners of the landfill property are required to fund these post closure care activities, however in cases where reuse of the site is a public purpose park, the County may fund a portion of the post closure costs related to ground water remediation and monitoring, subject to Board approval.

Miami-Dade County Comprehensive Landfill Closure Plan

Project Management

Starting in FY2014-15, the County will no longer fund municipal landfill closure projects through direct grants where the municipality becomes the closure design and construction project manager. As was the case with the recent Virginia Key Landfill closure project, the funding will be provided through an interlocal agreement where PWWM and RER co-manage the project. The municipality will be required to provide site access and all necessary approvals to accomplish the landfill closure project. The municipality may provide input regarding all phases of the project and attend interagency meetings, but will not have approval rights relative to the final closure design or project construction.

County Waste Disposal Agreement

If the site is owned by a municipality that was incorporated prior to 1996, the municipality must either enter into a minimum 20-year waste disposal agreement with the County or extend its existing agreement for a minimum of 20 years. County funding of post closure costs related to ground water remediation and monitoring will cease upon termination or expiration of the waste disposal agreement.

Section VII - Financial Update on the Utility Service Fee Fund within the Public Works and Waste Management Department

The eight percent (8.0%) Utility Service Fee effective in FY2014-15 is charged to all users that obtain their water from the Miami-Dade County Water and Sewer Department and is used for certain environmental regulation and services described in Section 24-34 of the Miami-Dade County Code. Half of the revenues generated by this charge are designated for *"Water supply protection, planning and programming, including without limitation, municipal solid waste landfill closure, environmental remediation at landfill sites, and land acquisition for purposes of water supply protection,"* and are deposited in the PWWM's Disposal Fund (Fund 490).

The table below shows USF revenues and qualifying direct and indirect costs for Fiscal Year 2009-10 through Fiscal Year 2012-13 that were funded through either cash or debt:

(Table on following page)

Miami-Dade County Comprehensive Landfill Closure Plan

USF Revenues & Direct and Indirect Costs ¹	FY2009-10	FY2010-11	FY2011-12	FY2012-13
USF Beginning Balance	4,480,972	7,882,808	6,295,934	5,369,925
USF Total Receipts	20,650,000	22,500,000	21,692,000	22,490,028
Direct Costs Funded by Operating Cash	3,826,565	5,617,794	3,957,092	5,578,904
Direct Costs for Debt Service ²	11,905,637	17,810,685	17,810,192	17,817,556
Indirect Costs	1,515,962	658,396	850,725	930,151
Total Costs	17,248,164	24,086,874	22,618,009	24,326,611
USF Year End Balance	\$7,882,808	\$6,295,934	\$5,369,925	\$3,533,341

¹ - Source: Utility Service Fee Reimbursable Cost Allocation Analysis Fiscal Years 2013, dated August 28, 2014, prepared by Arcadis-US, Inc. and Planning and Economics Group.

² - The direct cost for debt service in FY2010-11 and future periods includes a principal payment related to the Series 2005 Bonds, which started in FY2010-11.

The table above shows the USF year-end balance steadily declining. To stem this decline and provide adequate funding for existing and future landfill closure projects the Board approved a one-half percent (0.5%) increase in the USF as part of the FY2014-15 budget that will be dedicated to landfill closure and remediation project costs. The USF increase will also enhance the PWWM's level of debt service coverage, which factors into the department's ability to issue additional debt for future landfill closure and remediation projects.

Further, the table above does not include an approximate outstanding \$89 million liability for closure and long-term care of active and inactive County landfills. The PWWM is required to show this liability in its financial documents, but is not required to escrow funds as the liability is incurred by using a financial assurance test. Taking this long-term liability into account, the USF FY2012-13 Year End Balance would be approximately negative \$85,000,000.